

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH MULLEN WATKINS, JR.,

Plaintiff,

v.

PERNER, et al.,

Defendants.

No. 1:23-cv-00830-KES-SKO (PC)

ORDER DECLINING TO ADOPT FINDINGS
AND RECOMMENDATIONS

Doc. 9

Plaintiff Kenneth Mullen Watkins Jr. is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed under 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

This action commenced with the filing of plaintiff's complaint on May 30, 2023. Doc. 1. The complaint has not yet been screened. On March 12, 2025, the assigned magistrate judge issued a minute order recognizing that "a significant amount of time has passed since this matter was filed" and directed plaintiff to file a "Notice of Current Address" within seven days prior to conducting the screening. Doc. 6. On April 25, 2025, following plaintiff's failure to comply with that minute order, the magistrate judge issued an order to show cause ("OSC") why this action should not be dismissed due to plaintiff's failure to obey a court order. Doc. 7. Plaintiff was granted seven days within which to respond to the OSC or file a notice of his current address and inform the Court whether he wished to continue prosecuting this action. *Id.* at 2.

1 On June 23, 2025, following plaintiff's failure to comply with the OSC, the assigned
2 magistrate judge issued findings and recommendations recommending that this matter be
3 dismissed without prejudice for failure to obey court orders. Doc. 9. The findings and
4 recommendations were served on plaintiff and contained notice that any objections thereto were
5 to be filed within fourteen days after service. *Id.* at 5. Plaintiff has not filed objections to the
6 findings and recommendations and the time to do so has passed. On October 6, 2025, this action
7 was reassigned to a different magistrate judge. Doc. 10.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
9 novo review of this case. Having carefully reviewed the file, the Court declines to adopt the
10 findings and recommendations and refers this matter to the newly assigned magistrate judge for
11 screening of plaintiff's complaint.

12 While plaintiff failed to respond to the Court's orders requesting him to update his
13 address, the findings and recommendations reflect that, prior to the issuance of the findings and
14 recommendations, the court was aware from the California Department of Corrections and
15 Rehabilitation's website that plaintiff remained incarcerated at Salinas Valley State Prison, at the
16 address that has been reflected on the Court's docket since May 30, 2023. Doc. 9 at 2. The
17 CDCR website continues to reflect, as of the date of this Order, that plaintiff's current address
18 remains at Salinas Valley State Prison, as reflected on the Court's docket. *See*
19 <https://ciris.mt.cdcr.ca.gov/results?cdcrNumber=BE3223> (accessed on Oct. 16, 2025). There was
20 therefore no evident reason to require plaintiff to further update his address, given that his current
21 address appears to have been already correctly reflected on the docket.

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1 Accordingly:

- 2 1. The Court declines to adopt the findings and recommendations issued on June 23,
3 2025, Doc. 9; and
4 2. This matter is referred to the newly assigned magistrate judge for screening of
5 plaintiff's complaint.
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8 IT IS SO ORDERED.

9 Dated: October 16, 2025


UNITED STATES DISTRICT JUDGE